

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-21 are pending in this case. Claim 15 is amended and Claim 22 is canceled without prejudice or disclaimer by the present amendment. Amended Claim 15 is supported by, for example, the specification at paragraphs 140 and 141 of the publication. Thus, no new matter is added. Further, as the present amendment only incorporates verbatim the subject matter previously considered Claim 22 into Claim 15, the present amendment should be entered and considered after final rejection.

In the outstanding Office Action, Claims 1-18 and 20-22 were rejected under 35 U.S.C. §102(b) as anticipated by Vaudreuil (U.S. Patent No. 5,740,230); and Claim 19 was rejected under 35 U.S.C. §103(a) as unpatentable over Vaudreuil in view of Yokomizo (U.S. Patent No. 6,163,796).

With regard to the rejection of Claims 1, 12, and 15 under 35 U.S.C. §102(b) as anticipated by Vaudreuil, that rejection is respectfully traversed.

Claim 1 recites in part:

a plurality of message gateways, each message gateway being configured to receive and transmit over at least one dedicated transfer medium, and

a message broker connected to the message gateways and being provided with a client database,

wherein a first message gateway receives a message from a sending client over a first transfer medium and transmits the message or information extracted thereof to the message broker, the message including meta information and content, ***the message broker automatically selects an appropriate second transfer medium depending on content of the client database and the meta information of the message without processing the content of the message***, and the message is sent to the target client via a second message gateway configured to transmit over the second transfer medium selected by the message broker.

Thus, in the claimed invention, the message broker selects an appropriate second transfer medium depending on content of the client database and the meta information of the message ***without processing the content of the message***. This allows maximum throughput to be realized because the meta information is much more compact than the content, as discussed at paragraph 140 of the specification.

In contrast, column 15, lines 13-19 of Vaudreuil describe that the message router 72 of Vaudreuil determines the next destination for each message based ***only*** on information from the system database 147, not any meta information from the message. Further, column 19, lines 49-54 of Vaudreuil describe that the ***recipient*** selects the preferred media for receiving messages, not the sender. Accordingly, not only does Vaudreuil fail to teach or suggest “the message broker automatically selects an appropriate second transfer medium depending on content of the client database ***and*** the meta information of the message without processing the content of the message,” to modify the device of Vaudreuil to include this feature would make the device described by Vaudreuil unsuitable for its intended purpose, which is to allow the recipient to select the preferred media for receiving messages.

Therefore, there is no suggestion or motivation to make such a modification of Vaudreuil, as held by *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). See MPEP §2143.01.

Consequently, as Vaudreuil does not teach or suggest “a message broker” as defined in Claim 1, and there is no suggestion or motivation to modify Vaudreuil to include such a feature, it is respectfully submitted that Claim 1 (and Claims 2-11 dependent therefrom) is not anticipated by Vaudreuil and is patentable thereover.

Independent Claim 12 recites similar elements to Claim 1. It is respectfully submitted that Claim 12 (and Claims 13 and 14 dependent therefrom) is patentable over Vaudreuil for at least the reasons discussed above with respect to Claim 1.

Amended Claim 15 recites in part “encrypting the message with a receiver key that is valid only for an intended receiver and a given message.” With regard to Claim 22, the outstanding Office Action cited column 28, line 63 to column 29, line 20 of Vaudreuil as describing this feature. However, this portion of Vaudreuil describes that a public key cryptographic system is used to encrypt messages. This requires that the public key be created, ***maintained***, and accessed, as described at column 29, lines 14-20 of Vaudreuil. Thus, as Vaudreuil clearly describes that public keys are used multiple times, as they need to be maintained, Vaudreuil not only fails to describe unique receiver keys ***valid only for an intended receiver and a given message***, but in fact teaches to the contrary. It is respectfully submitted that Vaudreuil does not in any way describe a device that encrypts messages with unique receiver keys ***valid only for an intended receiver and a given message***. Accordingly, Vaudreuil does not teach or suggest “a message broker” as defined in amended Claim 15. Consequently, it is respectfully submitted that amended Claim 15 (and Claims 16-21 dependent therefrom) is not anticipated by Vaudreuil and is patentable thereover.

With regard to the rejection of Claim 19 as unpatentable over Vaudreuil in view of Yokomizo, it is noted that Claim 19 is dependent from Claim 15, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Yokomizo does not cure any of the above-noted deficiencies of Vaudreuil. Accordingly, it is respectfully submitted that Claim 19 is patentable over Vaudreuil in view of Yokomizo.

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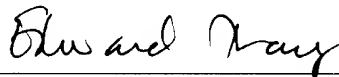
Reply to Office Action of March 17, 2009 and the Advisory Action dated June 30, 2009

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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